HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No. 366/2007

APPELLANTS (PLAINTIFFS BEFORE THE TRIAL JUDGE)

1. Chamru Ram S/o Ganga Ram Sahu, aged about 45 years, Occupation: Service B.N.C. Mills, Rajnandgaon, R/o Sanjay Nagar, Near Lakholi Gothan, Ward No. 43, Tahsil & Distt. Rajnandgaon (C.G.)

2. Ramhin Bai, W/o Chamru Sahu, aged about 40 Years, Occupation: House Hold Lady, R/o Sanjay Nagar Lakholi, Ward No. 43, Tahsil & Distt. Rajnandgaon (C.G.)

versus

RESPONDENTS (Defendants before the Trial Court)

1. Hirendra Kumar, S/o Kejuram Sahu, aged about 20 years,

2. Dinesh Kumar S/o Kejuram Sahu, aged about 25 years.
   Both 1 & 2 R/o Sanjay Nagar, Ward No. 43, Rajnandgaon, Tahsil & Distt. Rajnandgaon (C.G.)
3. State of Chhattisgarh Through : Collector, Rajnandgaon, Distt. Rajnandgaon (C.G.)
4. Pancham S/o Likhan Sahu, aged about 30 years, Occupation : Cultivation and R/o Village : Aarla, Tahsil & Distt. Rajnandgaon (C.G.)

5. Kamin Bai, D/o Likhan Sahu, aged about 25 years, R/o Village : Tedsera, Post : Somni, Tahsil & Distt. Rajnandgaon (C.G.)

Second Appeal Under Section 100 (4) of the Civil Procedure Code

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Present : Shri Deepak Jain, counsel for the applicants.
Shri Akhil Agrawal, Panel Lawyer for the State/respondent No.3.

ORAL ORDER
(Passed on 10th September, 2007)

Heard on I.A. No. 1 which is an application for condonation of delay in filing the appeal.

For the reasons mentioned in the application, it is allowed and delay in filing the second appeal is condoned.

Heard on admission.

The appellants/plaintiffs are aggrieved by the judgment and decree dated 16.3.2007 passed by the District Judge, Rajnandgaon in Civil Appeal No. 6-A/2004 whereby the judgment and decree passed by the 1st Civil Judge, Class-I, Rajnandgaon in Civil Suit No. 53-A/2001 dismissing the plaintiffs suit for permanent injunction was affirmed.

Both the Courts below have recorded a concurrent finding of fact that the appellants/plaintiffs were not in possession of the suit land on the date of suit.

I am of the considered opinion that no substantial question of law arises for determination in this appeal which is accordingly dismissed at the stage of admission.

There shall be no order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr